



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Michael J. Linder

Director
Suite 400, The Atrium
1200 'N' Street
P.O. Box 98922

Lincoln, Nebraska 68509-8922

Phone (402) 471-2186

FAX (402) 471-2909

website: www.deq.state.ne.us

**Authorization to Discharge Under the
National Pollutant Discharge Elimination System (NPDES)
General NPDES Permit Number NER900000
for Storm Water Discharges
From Industrial Activity to Waters of the State of Nebraska**

This NPDES general permit is issued in compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. Secs. 1251 *et seq.* as amended to date), the Nebraska Environmental Protection Act (Neb. Rev. Stat. Secs. 81-1501 *et seq.* as amended to date), and the Rules and Regulations promulgated pursuant to these Acts. Application may be made under this general permit for authorization to discharge Storm Water from industrial activity. Owners or Operators issued a discharge authorization under this general permit are required to comply with the limits, requirements, prohibitions, and conditions set forth herein. The issuance of a discharge authorization under this general permit does not relieve Permittees of other duties and responsibilities under the Nebraska Environmental Protection Act, as amended, or established by regulations promulgated pursuant thereto.

NPDES Permit Number: **NER900000**

This permit shall become effective on **July 1, 2011**.

This permit and the authorization to discharge shall expire at midnight, **June 30, 2016**

Pursuant to a Delegation Memorandum dated July 26, 1999 and signed by the Director, the undersigned hereby executes this document on behalf of the Director.

Signed this 30th day of June, 2011


Jay D. Ringenberg
Deputy Director, Programs

Table of Contents

1.	Coverage under this Permit.....	5
1.1	Eligibility.....	5
1.1.1	Facilities Covered.....	5
1.1.2	Allowable Stormwater Discharges.....	5
1.1.3	Allowable Non-Stormwater Discharges.....	6
1.1.4	Limitations on Coverage.....	6
1.2	Permit Compliance.....	8
1.3	Authorization under this Permit.....	9
1.3.1	How to Obtain Authorization.....	9
1.3.2	Continuation of this Permit.....	9
1.4	Terminating Coverage.....	10
1.4.1	Submitting a Notice of Termination.....	10
1.4.2	When to Submit a Notice of Termination.....	10
1.5	Conditional Exclusion for No Exposure.....	10
1.6	Alternative Permits.....	10
1.6.1	NDEQ Requiring Coverage under an Alternative Permit.....	10
1.6.2	Permittee Requesting Coverage under an Alternative Permit.....	11
1.7	General Conditions.....	11
1.7.1	Severability.....	11
1.7.2	Permit Attachments.....	11
1.7.3	Information Available.....	11
1.7.4	Penalties.....	11
1.8	Conditions Applicable to Portable Facilities.....	11
1.8.1	Notification Requirements for Relocation of Portable Facilities.....	11
1.8.2	Site Specific Discharge Authorizations, Denials and Revocations for Portable Facilities.....	12
1.8.3	Operational Changes Relative to Facility Portability.....	12
1.8.4	Exceptions for Portable Facilities.....	12
1.8.5	Monitoring.....	13
1.8.6	Site Closure Requirements.....	13
2.	Control Measures and Effluent Limits.....	13
2.1	Control Measures.....	13
2.1.1	Control Measure Selection and Design Considerations.....	14
2.1.2	Non-Numeric Technology-Based Effluent Limits.....	14
2.1.3	Numeric Effluent Limitations Based on Effluent Limitations Guidelines.....	16
2.2	Water Quality-Based Effluent Limitations.....	17
2.2.1	Water Quality Standards.....	17
2.2.2	Discharges to Water Quality Impaired Waters.....	17
2.2.3	State Resource Water –Class B Antidegradation Requirements for New or Increased Dischargers.....	17
2.3	Requirements Relating to Endangered Species and Historic Properties.....	17
3.	Corrective Actions.....	18
3.1	Conditions Requiring Review and Revision to Eliminate Problem.....	18
3.2	Conditions Requiring Review to Determine if Modifications Are Necessary.....	18
3.3	Corrective Action Deadlines.....	18
3.4	Corrective Action Report.....	18
3.5	Effect of Corrective Action.....	19
3.6	Substantially Identical Outfalls.....	19
4.	Inspections.....	19
4.1	Routine Facility Inspections.....	19

4.1.1	Routine Facility Inspection Procedures.	19
4.1.2	Routine Facility Inspection Documentation.	19
4.1.3	Exceptions to Routine Facility Inspections.	20
4.2	Quarterly Visual Assessment of Stormwater Discharges.	20
4.2.1	Quarterly Visual Assessment Procedures.	20
4.2.2	Quarterly Visual Assessment Documentation.	21
4.2.3	Exceptions to and Timing of Quarterly Visual Assessments.	21
4.3	Comprehensive Site Inspections.	22
4.3.1	Comprehensive Site Inspection Procedures.	22
4.3.2	Comprehensive Site Inspection Documentation.	23
5.	Stormwater Pollution Prevention Plan (SWPPP).....	23
5.1	Contents of Your SWPPP.	23
5.1.1	Stormwater Pollution Prevention Team.	24
5.1.2	Site Description.	24
5.1.3	Summary of Potential Pollutant Sources.....	25
5.1.4	Description of Control Measures.	26
5.1.5	Schedules and Procedures.....	26
5.1.6	Documentation to Support Eligibility Considerations Under Other Federal Laws.....	27
5.1.7	Signature Requirements.	28
5.2	Required SWPPP Modifications.	28
5.3	SWPPP Availability.....	28
5.4	Additional Documentation Requirements.....	28
6.	Monitoring.	29
6.1	Monitoring Procedures.....	29
6.1.1	Monitored Outfalls.	29
6.1.2	Commingled Discharges.	29
6.1.3	Measurable Storm Events.	29
6.1.4	Sample Type.	30
6.1.5	Adverse Weather Conditions.	30
6.1.6	Irregular Stormwater Runoff.....	30
6.1.7	Monitoring Periods.	30
6.1.8	Monitoring for Allowable Non-Stormwater Discharges.....	30
6.1.9	Timing of Sample.....	30
6.2	Required Monitoring.....	31
6.2.1	Benchmark Monitoring.	31
6.2.2	Discharges to Impaired Waters Monitoring.....	33
6.2.3	Additional Monitoring Required by NDEQ.....	34
7.	Reporting and Recordkeeping.....	34
7.1	Reporting Monitoring Data to NDEQ.....	34
7.2	Additional Reporting.	34
7.3	Recordkeeping.	35
7.4	Addresses for Reports.....	35
7.4.1	NDEQ Addresses.....	35
7.4.2	Submissions to MS4s.....	35
8.	Sector-Specific Requirements for Industrial Activity.....	36
8.A.	Sector A – Timber Products.....	36
8.B	Sector B – Paper and Allied Products.....	38
8.C	Sector C – Chemical and Allied Products Manufacturing, and Refining.	38
8.D	Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing.	40
8.E	Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products.....	40
8.F	Sector F – Primary Metals.	42

8.G	Sector G – Metal Mining.	43
8.H	Sector H – Coal Mines and Coal Mining-Related Facilities.	53
8.I	Sector I – Oil and Gas Extraction.	58
8.J	Sector J – Non-Metallic Mineral Mining and Dressing.	59
8.K	Sector K – Hazardous Waste Treatment, Storage, or Disposal Facilities.	65
8.L	Sector L – Landfills, Land Application Sites, and Open Dumps.	67
8.M	Sector M – Automobile Salvage Yards.	70
8.N	Sector N – Scrap Recycling and Waste Recycling Facilities.	71
8.O	Sector O – Steam Electric Generating Facilities.	76
8.P	Sector P – Land Transportation and Warehousing.	79
8.Q	Sector Q – Water Transportation.	81
8.R	Sector R – Ship and Boat Building and Repair Yards.	83
8.S	Sector S – Air Transportation.	85
8.T	Sector T – Treatment Works.	89
8.U	Sector U – Food and Kindred Products.	90
8.V	Sector V – Textile Mills, Apparel, and Other Fabric Products.	91
8.W	Sector W – Furniture and Fixtures.	93
8.X	Sector X – Printing and Publishing.	93
8.Y	Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries. .	94
8.Z	Sector Z – Leather Tanning and Finishing.	96
8.AA	Sector AA – Fabricated Metal Products.	97
8.AB	Sector AB – Transportation Equipment, Industrial or Commercial Machinery Facilities.	99
8.AC	Sector AC –Electronic and Electrical Equipment and Components, Photographic and Optical Goods.	100
8.AD	Sector AD – Stormwater Discharges Designated by the Director as Requiring Permits.	100
9.	Permit Conditions Applicable to Specific Indian Country Lands, Service Delivery Areas, or Territories.	100
9.1	Ponca Tribe of Nebraska.	100
9.2	Omaha Tribe of Nebraska.	101
9.3	Winnebago Tribe of Nebraska.	101
9.4	Santee Sioux Tribe of Nebraska.	101
9.5	Pine Ridge Trust Lands.	101
9.6	Sac and Fox.	102
9.7	Ioway Tribe of Kansas and Nebraska.	102

Appendices

Appendix A	Definitions
Appendix B	Standard Conditions
Appendix C	Complete List of 40 CFR Subchapter N Categories
Appendix D	Activities Covered
Appendix E	Calculating Hardness

Attachments

Attachment 1	Procedures Related to Threatened and Endangered Species
Attachment 2	Notice of Intent
Attachment 3	Notice of Termination
Attachment 4	Corrective Actions Report
Attachment 5	No Exposure Certification Form
Attachment 6	List of MS4s
Attachment 7	Relocation Notice
Attachment 8	ISW – SEMR
Attachment 9	Special Waters

1. Coverage under this Permit.

1.1 Eligibility.

1.1.1 Facilities Covered.

To be eligible to discharge under this permit, you must have a stormwater discharge associated with industrial activity from your primary industrial activity, as defined in Appendix A, provided your primary industrial activity is included in Appendix D, or be notified by NDEQ that you are eligible for coverage under Sector AD of this permit.

This permit authorizes the discharge of stormwater from both stationary and portable facilities. Additional notification and discharge authorization procedures apply to portable facilities as set forth in Part 1.8 of this permit.

This permit authorizes discharges of stormwater to waters of the state, a municipal separate storm sewer system (MS4) or a combined sewer system within the State of Nebraska. Discharges are subject to the terms and conditions of this permit. Eligibility excludes tribal lands within the State of Nebraska and as per the limitations in Part 1.1.4 of this permit. Facilities located within tribal lands within the State of Nebraska are under the authority of the USEPA Regions 7 and 8; refer to Part 9, **“Permit Conditions Applicable to Specific Indian Country Lands, Service Delivery Areas, or Territories.”**

1.1.2 Allowable Stormwater Discharges.

Unless otherwise made ineligible under Part 1.1.4, the following discharges are eligible for coverage under this permit:

1.1.2.1 Stormwater discharges associated with industrial activity for any primary industrial activities and co-located industrial activities, as defined in Appendix A;

1.1.2.2 Discharges designated by NDEQ as needing a stormwater permit as provided in Sector AD;

1.1.2.3 Discharges that are not otherwise required to obtain NPDES permit authorization but are commingled with discharges that are authorized under this permit;

1.1.2.4 Discharges subject to any of the national stormwater-specific effluent limitations guidelines listed in Table 1-1, provided a site specific NPDES permit incorporating the effluent limitations guidelines has been issued authorizing that portion of the discharge. A partial list of effluent limitations guidelines has been included in Table 1-1 for reference; and

Table 1-1. Stormwater-specific Effluent Limitations Guidelines				
Regulated Discharge	40 CFR Section	Industry Sector	New Source Performance Standard (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A	Yes	1/26/81
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	C	Yes	4/8/74
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75

Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E	Yes	2/20/74
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K,L	Yes	2/2/00
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82 (10/8/74) ¹

¹ NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore wastewaters generated by Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

1.1.2.5 Discharges subject to any New Source Performance Standards (NSPS) identified in Table 1-1 (i.e., where facilities were constructed after the promulgation of that industry's NSPS), provided a site specific NPDES permit incorporating the NSPS has been issued, or you have received notification from NDEQ specifically acknowledging that these discharges will be allowed to be covered under this permit.

1.1.3 Allowable Non-Stormwater Discharges.

The following are the non-stormwater discharges authorized under this permit, provided the non-stormwater component of your discharge is in compliance with Part 2.1.2.10:

- Discharges from emergency fire-fighting activities;
- Fire hydrant and fire suppression system flushing (if the discharge does not contain chemical additives or surfactants) ;
- Potable water, including water line flushing but excluding chlorination of water lines for disinfection unless dechlorinated;
- Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage from adjacent agricultural lands;
- Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- Routine external building wash down that does not use detergents, solvents and degreasers;
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials; and
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

1.1.4 Limitations on Coverage.

1.1.4.1 Discharges Mixed with Non-Stormwater. Stormwater discharges that are mixed with non-stormwater, other than those non-stormwater discharges listed in Part 1.1.3, are not eligible for coverage under this permit.

1.1.4.2 Stormwater Discharges Associated with Construction Activity. Stormwater discharges associated with construction activity disturbing one acre or more are not eligible for coverage under this permit, unless in conjunction with mining activities or certain oil and gas extraction activities as specified in Sectors G, H, I, and J of this permit.

1.1.4.3 Discharges Currently or Previously Covered by Another Permit. Unless you received written notification from NDEQ specifically acknowledging that discharges previously covered under a site specific individual permit will be allowed to be covered under this permit, you are not eligible for coverage under this permit for any of the following:

- Stormwater discharges associated with industrial activity that are currently covered under an individual NPDES permit or an alternative NPDES general permit;
- Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations developed for the stormwater component of the discharge; or
- Discharges from facilities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by NDEQ (this does not apply to the routine reissuance of permits).

1.1.4.4 Stormwater Discharges Subject to Effluent Limitations Guidelines. For discharges subject to stormwater effluent limitation guidelines under Title 119, Chapter 27, including those stormwater discharges identified in Table 1-1 are not eligible for coverage under this permit. For these discharges, a site specific NPDES permit incorporating the applicable effluent limitations guidelines must be issued by the Department. Compliance with this general permit is required for the remainder of the facilities discharges.

1.1.4.5 Endangered and Threatened Species and Critical Habitat Protection. Coverage under this permit is available only if your stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities will not adversely affect any species that are state or federally-listed as endangered or threatened (“listed”) and will not result in the adverse modification or destruction of habitat that is state or federally-designated as “critical habitat” by the Nebraska Game and Parks Commission (www.ngpc.state.ne.us).

New or Expanded Dischargers. You must meet one of the criteria below:

- Criterion A. No state or federally-listed threatened or endangered species or their designated critical habitat are likely to occur in the “action area” as defined in Appendix A;
or
- Criterion B. Consultation between the Nebraska Game and Parks Commission has been concluded and determined that either the discharge is not likely to have an effect, or through the use of control measures, the discharge is not likely to have an effect. Consultations can be either formal or informal.

Attachment 1 may be used to determine if the facility will qualify for Criterion A, or must seek to qualify under Criterion B. All new or expanded dischargers must submit Attachment 1 with the NOI or the NOI will be considered incomplete.

This permit does not replace any other requirements related to threatened and endangered species. This permit does not authorize discharges which will adversely affect an endangered or threatened species, or their critical habitats.

1.1.4.6 Historic Properties Preservation. This permit does not replace or satisfy any review requirements for Historic Places or Archeological Sites, from new or expanded discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered Archeological Sites. The owner must be in compliance with National Historic Preservation Act and conduct all required review and coordination related to historic preservation, including significant anthropological sites and any burial sites, with the Nebraska Historic Preservation Officer. You must comply with all applicable state, and local laws

concerning the protection of historic properties and places, your discharge authorization under this permit is contingent upon this compliance.

1.1.4.7 New Discharges to Water Quality Impaired Waters. If you are a new discharger you are not eligible for coverage under this permit to discharge to an “impaired water”, as defined in Appendix A unless you:

- a. prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with your SWPPP; or
- b. document that the pollutant(s) for which the waterbody is impaired is not present at your site, and retain documentation of this finding with your SWPPP; or
- c. in advance of submitting your NOI, provide to the NDEQ data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard, and retain such data onsite with your SWPPP. To do this, you must provide data and other technical information to the Department sufficient to demonstrate:
 - i. For discharges to waters without an EPA approved or established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or
 - ii. For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow your discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards.

You are eligible under Part 1.1.4.7.c if you receive an affirmative determination from the Department that your discharge will not contribute to the existing impairment, in which case you must maintain such determination onsite with your SWPPP, or if the Department fails to respond within 30 days of submission of data to the Department.

1.1.4.8 New or Expanded Discharges to Waters Designated as State Resource Water – Class A or Class B for Antidegradation Purposes. If you are a new or expanded discharger, you are not eligible for coverage under this permit for discharges to waters designated as State Resource Water – Class A for antidegradation purposes under Title 117 (State Resource Waters are identified within Title 117, Chapters 5 & 6, also in Attachment 9). If you are a new or expanded discharger, you must receive written authorization from the Department specifically authorizing discharges to any State Resource Water – Class B.

1.1.4.9 New or Expanded Discharges to Public Drinking Water Supplies. If you are a new or expanded discharger, you must receive written authorization from the Department specifically authorizing discharges to any waters protected as a public drinking water supply (identified within Title 117, Chapters 5 & 6, also in Attachment 9).

1.2 Permit Compliance.

Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act. As detailed in Part 3 (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit and the Clean Water Act. As such, any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance. However, where corrective action is triggered by an event that does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation provided you take the required corrective action within the relevant deadlines established in Part 3.3.

1.3 Authorization under this Permit.

1.3.1 How to Obtain Authorization.

To obtain authorization under this permit, you must:

- Be located in the State of Nebraska where NDEQ is the permitting authority;
- Meet the Part 1.1 eligibility requirements;
- Develop a SWPPP according to the requirements in Part 5 of this permit.
- Select, design, install, and implement control measures in accordance with Part 2.1 to meet non-numeric effluent limits;
- Submit a complete and accurate Notice of Intent (NOI) form (included in Attachment 2 of this permit) to the address listed in Part 7.4.1; and

Timeframes for discharge authorization are contained in Table 1-2. Additional submission requirements may apply to facilities discharging through a Large, Medium or Small Municipal Separate Storm Sewer System (MS4), See Part 7.4.2.

Table 1-2. NOI Submittal Deadlines/Discharge Authorization Dates		
Category	NOI Submission Deadline	Discharge Authorization Date ¹
Existing Dischargers – in operation and previously authorized for coverage under the ISW-GP (originally issued September 18, 1997).	No later than January 1, 2012.	30 days after NDEQ receives a complete and accurate NOI. Your authorization under the ISW-GP is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
New Dischargers or New Sources - commencing discharging after issuance of this General Permit.	A minimum of 30 days prior to commencing operation of the facility.	30 days after NDEQ receives a complete and accurate NOI or upon notification of authorization from the NDEQ.
New Dischargers or New Sources - in operation prior to issuance of this General Permit but not covered under the previous General Permit or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.	60 days after NDEQ receives a complete and accurate NOI.

¹ Based on a review of your NOI or other information, NDEQ may delay your authorization for further review, notify you that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.6. In these instances, NDEQ will notify you in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

1.3.2 Continuation of this Permit.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with Title 119, Chapter 24 and remain in force and effect. If you were authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

- Your authorization for coverage under a reissued permit or a replacement of this permit following your timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or

- Your submittal of a Notice of Termination; or
- Issuance or denial of an individual permit for the facility's discharges; or
- A formal permit decision by NDEQ not to reissue this general permit, at which time NDEQ will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

1.4 Terminating Coverage.

1.4.1 Submitting a Notice of Termination.

To terminate permit coverage, you must submit a complete and accurate Notice of Termination using the paper Notice of Termination form included in Attachment 3 of this permit, to the address listed in Part 7.4.1. Your authorization to discharge under this permit terminates 14 days after a complete Notice of Termination is received. If you submit a Notice of Termination without meeting one or more of the conditions identified in Part 1.4.2, then your Notice of Termination is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated. (Should an electronic submittal process be established for the State of Nebraska, this section shall not preclude the use of such a system.)

1.4.2 When to Submit a Notice of Termination.

You must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

- A new owner or operator has taken over responsibility for the facility; or
- You have ceased operations at the facility, there are not or no longer will be discharges of stormwater associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5;
- You are a Sector G, H, or J facility and you have met the applicable termination requirements; or
- You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit, unless NDEQ has required that you obtain such coverage under authority of Part 1.6.1, in which case coverage under this permit will terminate automatically.

1.5 Conditional Exclusion for No Exposure.

If you are covered by this permit, and become eligible for a no exposure conditional exclusion from permitting under Title 119, Ch. 10, section 007, you may file a No Exposure Certification. You are no longer required to have a permit upon submission of a complete and accurate No Exposure Certification to NDEQ. If you are no longer required to have permit coverage because of a no exposure conditional exclusion and have submitted a No Exposure Certification form to NDEQ, you are not required to submit a Notice of Termination. You must submit a No Exposure Certification to NDEQ once every five years and maintain a condition of No Exposure.

1.6 Alternative Permits.

1.6.1 NDEQ Requiring Coverage under an Alternative Permit.

NDEQ may require you to apply for and/or obtain authorization to discharge under either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition NDEQ to take action under this paragraph. If NDEQ requires you to apply for an individual NPDES permit, NDEQ will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information. In addition, if you are an existing discharger authorized to discharge under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the

individual NPDES permit, or the alternative general permit as it applies to you, coverage under this general permit will terminate. NDEQ may grant additional time to submit the application if requested. If you are covered under this permit and fail to submit an individual NPDES permit application as required by NDEQ, then the applicability of this permit to you is terminated at the end of the day specified by NDEQ as the deadline for application submittal. NDEQ may take appropriate enforcement action for any unpermitted discharge.

1.6.2 Permittee Requesting Coverage under an Alternative Permit.

You may request to be excluded from coverage under this general permit by applying for an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of Title 119, with reasons supporting the request, to NDEQ. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit if your reasons are adequate to support the request. Should NDEQ determine that the reasons are not adequate; NDEQ may either deny the request or request further information.

When an individual NPDES permit is issued to you or you are authorized to discharge under an alternative NPDES general permit, your authorization to discharge under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

1.7 General Conditions

1.7.1 Severability

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. NDEQ's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, NDEQ will advise the regulated community as to the effect of such invalidation.

1.7.2 Permit Attachments

The attachments to this permit (e.g., forms and guidance) may be modified without a formal modification of the permit.

1.7.3 Information Available

All permit applications, fact sheets, permits, discharge data, monitoring reports, and any public comments concerning such shall be available to the public for inspection and copying, unless such information about methods or processes is entitled to protection as trade secrets of the owner or operator under Neb. Rev. Stat. §81-1527, (Cum. Supp. 1992) and NDEQ Title 115, Chapter 4.

1.7.4 Penalties

Nothing in this permit shall preclude the initiation of any legal action or relieve the **Permittee** from any responsibilities, liabilities or penalties under Section 311 of the Clean Water Act. Violations of the terms and conditions of this permit may result in the initiation of criminal and/or civil actions in accordance with Nebraska Rev. Stat. §81-1508, as amended to date. Violations may also result in federal prosecution.

1.8 Conditions Applicable to Portable Facilities

1.8.1 Notification Requirements for Relocation of Portable Facilities

1.8.1.1 Notification to NDEQ. The permittee shall provide the Department with notification of the relocation of any facility at least 20 days in advance of each relocation. Notification shall be provided using the "Relocation Notice Form" (See Attachment 7) or equivalent. The following information shall be provided:

- the NPDES permit number (i.e., NER900000) and the NPDES reference number (e.g., NER901234), if it is available;
- the name of the facility;
- the legal description of the proposed relocation site;
- the name of the receiving stream;
- the identification of any storm water discharges to State Resource Waters or public drinking water supply identified in Attachment 9; and
- the anticipated dates of operations at the new location.

1.8.1.2 Notification to Others. If required or upon request, when a facility is relocated so that stormwater will be discharged through a Combined Sewer (CS), or Municipal Separate Storm Sewer System (MS4), whether a large, medium, or small municipal separate storm sewer system, the permittee shall concurrently provide written notification of the relocation to the operator of the CS, or MS4 through which they will discharge.

1.8.1.3 Additional Information. The Department may request additional information as necessary to evaluate a relocation request.

1.8.2 Site Specific Discharge Authorizations, Denials and Revocations for Portable Facilities

1.8.2.1 Authorizations to discharge to Special Waters. Portable sources shall obtain written authorization from the Department on a site specific basis prior to discharging industrial storm water to any of the State Resource Waters or public drinking water supplies established by Title 117, also identified in Attachment 9. When submitting notice of relocation to a location which will discharge to one of the described special waters, the submission shall identify the water to which the facility will discharge and an explanation of why site specific authorization is needed (e.g. Relocation site discharges to Stone Creek, State Resource Water – Class B). Discharges to other waters of the State do not require written discharge authorization, but site specific denials or revocations of discharge authorizations can be made by the Department.

1.8.2.2 Denial of Authorization. The Department may deny or revoke authorization to discharge for portable facilities at specific locations due to potential impacts on: water quality, State Resource Waters, listed endangered or threatened species, habitat critical to an endangered or threatened species, or human health or safety. The Department shall provide the permittee with a written notice of the denial or revocation, and an explanation of the reason for the denial. Temporary denials may be required to provide time to review additional information submitted pursuant to Section 1.8.1.3.

1.8.3 Operational Changes Relative to Facility Portability

The permittee shall notify the Department in writing if a facility is “converted” from a stationary to a portable facility, or vice-versa.

1.8.4 Exceptions for Portable Facilities

1.8.4.1 Outfall Specific Requirements. Portable facilities need not develop outfall specific procedures and information, portable facilities are required to identify the potential pollutants that could be released from the facility.

1.8.4.2 Inspections. At portable sources, the permittee shall conduct inspections within the first seven days after relocation and at least one additional time within the first 90 days of operation to ensure that all controls are properly installed and functioning. After the first 90 days of operation, Routine Facility Inspections (Part 4.1) shall resume quarterly, or more frequently if required by sector specific requirements. Upon termination of activities at a temporary site, the entire site must undergo a Final Inspection for the presence of spilled materials, industrial materials, and industrial wastes. All occurrences must be properly addressed and removed.

1.8.4.3 Visual Assessment. Portable facilities must follow the procedures established in Part 4.2 for quarterly visual assessment of stormwater discharges for those quarters which the facility will be operating under this permit (when operating in the State of Nebraska).

1.8.4.4 Comprehensive Site Inspections. Facilities operating under this permit for less than three months per calendar year are waved from the requirement to perform annual comprehensive site inspections. Facilities operating under this permit for more than three months per calendar year must conduct comprehensive site inspections annually. It is recommended that these comprehensive inspections be conducted as the second inspection within the first 90 days after relocation (see 1.8.4.2) at one of the locations for which the facility will operate during the calendar year.

1.8.5 Monitoring

1.8.5.1 Impaired Waters. Portable facilities discharging to water quality impaired waters must incorporate controls to reduce discharges of pollutants for which the water is impaired. Portable facilities are not required to conduct the monitoring as described in Part 6.2.2., unless requested by the Department.

1.8.5.2 Benchmark Monitoring. Portable facilities are not required to conduct the benchmark monitoring described within the sector specific requirements unless requested by NDEQ.

1.8.5.3 Additional Monitoring. NDEQ may require that a particular portable facility conduct impaired waters monitoring, benchmark monitoring or other monitoring, consistent with the provisions of this permit (see Part 6.)

1.8.6 Site Closure Requirements

1.8.6.1 Agricultural land. Portable facilities utilizing agricultural land must return the site to its preexisting agricultural use. After completing the Final Inspection outlined in 1.8.4.2, the site must: remove all industrial materials and wastes including petroleum affected soils, remediate compaction, replace topsoil, and seed an agricultural crop or temporary cover crop.

1.8.6.1 Non-Agricultural land. Portable facilities utilizing non-agricultural land must remove all industrial materials and wastes including petroleum affected soils and complete the Final Inspections outlined in 1.8.4.2.

2. Control Measures and Effluent Limits

In the technology-based limits included in Part 2.1 and in Part 8, the term “minimize” means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

2.1 Control Measures

You must select, design, install, and implement control measures (including best management practices) to address the selection and design considerations in Part 2.1.1, meet the non-numeric effluent limits in Part 2.1.2, and meet limits contained in an individual NPDES permit as required in Part 2.1.3 for facilities where effluent limitations guidelines are applicable. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer’s specifications. Note that you may deviate from such manufacturer’s specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures, consistent with Part 5.1.4. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges, you must modify these control measures as expeditiously as practicable. Regulated stormwater discharges from your

facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at your facility.

2.1.1 Control Measure Selection and Design Considerations

You must consider the following when selecting and designing control measures:

- preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in your stormwater discharge;
- assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- minimizing ground water contamination, infiltration is not appropriate for discharges likely to contain pollutants which are mobile within the soil;
- Underground Injection Control authorization may be required for certain types of practices which infiltrate (i.e. Class V Injection Well)
- attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- conserving and/or restoring of riparian buffers will help protect streams from stormwater runoff and improve water quality; and
- using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

2.1.2 Non-Numeric Technology-Based Effluent Limits

2.1.2.1 Minimize Exposure. You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). In minimizing exposure, you should pay particular attention to the following:

- use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- use spill/overflow protection equipment;
- drain fluids from equipment and vehicles prior to on-site storage or disposal;
- perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- ensure that all washwater drains to a proper collection system (i.e., not the stormwater drainage system).

The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate NPDES permit,

discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

Note: Industrial materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another NPDES permit.

2.1.2.2 Good Housekeeping. You must keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers.

2.1.2.3 Maintenance. You must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters. You must maintain all control measures that are used to achieve the effluent limits required by this permit in effective operating condition. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If you find that your control measures need to be replaced or repaired, you must make the necessary repairs or modifications as expeditiously as practicable.

2.1.2.4 Spill Prevention and Response Procedures. You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. At a minimum, you must implement:

- Procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your stormwater pollution prevention team (see Part 5.1.1); and
- Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under Title 126 occurs during a 24-hour period, you must notify: the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302; The Department of Environmental Quality at (402) 471-2186 or (402) 471-4230 during normal business hours (Monday through Friday 8am-5pm) or the Nebraska State Patrol at (402) 471-4545 outside of normal business hours (after business hours, holidays, weekends) in accordance with the requirements of Title 126 as soon as you have knowledge of the discharge. Local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.

2.1.2.5 Erosion and Sediment Controls. You must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions you must take to meet this limit, you must place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with

EPA's internet-based resources relating to Best Management Practices (BMPs) for erosion and sedimentation, including the sector-specific *Industrial Stormwater Fact Sheet Series*, (www.epa.gov/npdes/stormwater/msgp), *National Menu of Stormwater BMPs* (www.epa.gov/npdes/stormwater/menuofbmps), and *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* (www.epa.gov/owow/nps/urbanmm/index.html), and any similar State or Local publications.

- 2.1.2.6 Management of Runoff.** You must divert, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's internet-based resources relating to runoff management, including the sector-specific *Industrial Stormwater Fact Sheet Series*, (www.epa.gov/npdes/stormwater/msgp), *National Menu of Stormwater BMPs* (www.epa.gov/npdes/stormwater/menuofbmps), and *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* (www.epa.gov/owow/nps/urbanmm/index.html), and any similar State or Local publications.
- 2.1.2.7 Salt Storage Piles or Piles Containing Salt.** You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another NPDES permit.
- 2.1.2.8 Sector Specific Non-Numeric Effluent Limits.** You must achieve any additional non-numeric limits stipulated in the relevant sector-specific section(s) of Part 8.
- 2.1.2.9 Employee Training.** You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your Pollution Prevention Team. Training must cover both the specific control measures used to achieve the effluent limits in this Part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. NDEQ recommends training be conducted at least annually (or more often if employee turnover is high).
- 2.1.2.10 Non-Stormwater Discharges.** You must eliminate non-stormwater discharges not authorized by an NPDES permit. See Part 1.1.3 for a list of non-stormwater discharges authorized by this permit.
- 2.1.2.11 Waste, Garbage and Floatable Debris.** You must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.
- 2.1.2.12 Dust Generation and Vehicle Tracking of Industrial Materials.** You must minimize generation of dust and off-site tracking of raw, final, or waste materials.
- 2.1.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines**

If you are in an industrial category subject to one of the effluent limitations guidelines identified in Table 1-1 (see Part 1.1.2.4), you must apply for and receive authorization under a separate Individual NPDES permit which will incorporate these limits. The Individual NPDES permit will specify the required monitoring. Compliance with this general permit is required for the remainder of the facilities discharges.

2.2 Water Quality-Based Effluent Limitations.

2.2.1 Water Quality Standards

Your discharge must be controlled as necessary to meet applicable water quality standards.

NDEQ expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or NDEQ determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, you must take corrective action as required in Part 3.1, document the corrective actions as required in Parts 3.4 and 5.4, and report the corrective actions to NDEQ as required in Part 3.4.

Additionally, NDEQ may impose additional water quality-based limitations on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI, required reports, or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards.

2.2.2 Discharges to Water Quality Impaired Waters.

2.2.2.1 Existing Discharge to an Impaired Water with an EPA Approved or Established TMDL. If you discharge to an impaired water with an EPA approved or established TMDL, NDEQ will inform you if any additional limits or controls are necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in the TMDL, or if coverage under an individual permit is necessary in accordance with Part 1.6.1.

2.2.2.2 Existing Discharge to an Impaired Water without an EPA Approved or Established TMDL. If you discharge to an impaired water without an EPA approved or established TMDL, you are required to comply with Part 2.2.1 and the monitoring requirement of Part 6.2.2. Note that this provision also applies to situations where NDEQ determines that your discharge is not controlled as necessary to meet water quality standards in a downstream water segment, even if your discharge is to a receiving water that is not specifically identified on a Section 303(d) list.

2.2.2.3 New Discharge to an Impaired Water. If your authorization to discharge under this permit relied on Part 1.1.4.7 for a new discharge to an impaired water, you must implement and maintain any control measures or conditions on your site that enabled you to become eligible under Part 1.1.4.7, and modify such measures or conditions as necessary pursuant to any Part 3 corrective actions. You are also required to comply with Part 2.2.1 and the monitoring requirements of Parts 6.2.2.

2.2.3 State Resource Water –Class B Antidegradation Requirements for New or Increased Dischargers

If you are a new discharger, or an existing discharger required to notify NDEQ of an increased discharge consistent with Part 7.2 (i.e., a “planned changes” report), and you discharge directly to waters designated by the Department as State Resource Water – Class B for antidegradation purposes under Title 117 (State Resource Waters are identified within Title 117, Chapters 5 & 6, also in Attachment 9), NDEQ may notify you that additional analyses, control measures, or other permit conditions are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary in accordance with Part 1.6.1. If you are a new or expanded discharger, you must receive written authorization from the Department specifically authorizing discharges to any State Resource Water – Class B.

2.3 Requirements Relating to Endangered Species and Historic Properties

If your eligibility under either Part 1.1.4.5 or Part 1.1.4.6 was made possible through your, or another operator’s, agreement to include certain measures or prerequisite actions, or implement certain

terms and conditions, you must comply with all such agreed-upon requirements to maintain eligibility under this General Permit.

3. Corrective Actions

3.1 Conditions Requiring Review and Revision to Eliminate Problem

If any of the following conditions occur, you must review and revise the selection, design, installation, and implementation of your control measures to ensure that the condition is eliminated and will not be repeated in the future:

- an unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at your facility;
- you become aware, or NDEQ determines, that your control measures are not stringent enough for the discharge to meet applicable water quality standards;
- an inspection or evaluation of your facility by a NDEQ official, EPA official, or local entity, determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
- you find in your routine facility inspection, quarterly visual assessment, or comprehensive site inspection that your control measures are not being properly operated and maintained.

3.2 Conditions Requiring Review to Determine if Modifications Are Necessary

If any of the following conditions occur, you must review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit:

- construction or a change in design, operation, or maintenance at your facility significantly changes the nature of pollutants discharged in stormwater from your facility, or significantly increases the quantity of pollutants discharged; or
- the average of 4 quarterly sampling results exceeds an applicable benchmark. If less than 4 benchmark samples have been taken, but the results are such that an exceedance of the 4 quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than 4 times the benchmark level) this is considered a benchmark exceedance, triggering this review.

3.3 Corrective Action Deadlines

You must document your discovery of any of the conditions listed in Parts 3.1 and 3.2 within 24 hours of making such discovery. Subsequently, within 14 days of such discovery, you must document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. Specific documentation required within 24 hours and 14 days is detailed in Part 3.4. If you determine that changes are necessary following your review, any modifications to your control measures must be made before the next storm event if possible, or as soon as practicable following that storm event. These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

3.4 Corrective Action Report

Within 24 hours of discovery of any condition listed in Parts 3.1 and 3.2, you must document the following information (i.e., Section 1 of the Corrective Actions Form, provided in Attachment 4):

- Identification of the condition triggering the need for corrective action review;
- Description of the problem identified; and
- Date the problem was identified.

Within 14 days of discovery of any condition listed in Parts 3.1 and 3.2, you must document the following information (i.e., Section 2 of the Corrective Actions Form, provided in Attachment 4):

- Summary of corrective action taken or to be taken (or, for triggering events identified in Part 3.2 where you determine that corrective action is not necessary, the basis for this determination);
- Notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
- Date corrective action initiated; and
- Date corrective action completed or expected to be completed.

You must submit this documentation to NDEQ at the address provided in 7.4.1 with 30 days of initial discovery and retain a copy onsite with your SWPPP as required in Part 5.4.

3.5 Effect of Corrective Action

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. NDEQ will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

3.6 Substantially Identical Outfalls

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, your review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event.

4. Inspections

You must conduct the inspections in Parts 4.1, 4.2, and 4.3 at your facility.

4.1 Routine Facility Inspections.

4.1.1 Routine Facility Inspection Procedures.

Conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to stormwater, and of all stormwater control measures used to comply with the effluent limits contained in this permit. Routine facility inspections must be conducted at least quarterly (i.e., once each calendar quarter) although in many instances, more frequent inspection (e.g., monthly) may be appropriate for some types of equipment, processes, and control measures or areas of the facility with significant activities and materials exposed to stormwater. Perform these inspections during periods when the facility is in operation. You must specify the relevant inspection schedules in your SWPPP document as required in Part 5.1.5. These routine inspections must be performed by qualified personnel (for definition see Appendix A) with at least one member of your stormwater pollution prevention team participating. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is occurring. Inspections conducted in addition to those required by this permit need not conform to requirements of this section. Only those inspections conducted for compliance of this permit must conform (i.e. weekly inspections of a high risk portion of the facility need not include all areas of the facility or comply with the documentation requirements).

4.1.2 Routine Facility Inspection Documentation.

You must document the findings of each routine facility inspection performed and maintain this documentation onsite with your SWPPP as required in Part 5.4. You are not required to submit your routine facility inspection findings to NDEQ, unless specifically requested to do so. At a minimum, your documentation of each routine facility inspection must include:

- The inspection date and time;
- The name(s), title(s) and signature(s) of the inspector(s);
- Weather information and a description of any discharges occurring at the time of the inspection;
- Any previously unidentified discharges of pollutants from the site;
- Any control measures needing maintenance or repairs;
- Any failed control measures that need replacement;
- Any incidents of noncompliance observed; and
- Any additional control measures needed to comply with the permit requirements.

Any corrective action required as a result of a routine facility inspection must be performed consistent with Part 3 of this permit.

4.1.3 Exceptions to Routine Facility Inspections.

Inactive and Unstaffed Sites: The requirement to conduct routine facility inspections on a quarterly basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part 4.3. To invoke this exception, you must maintain a statement in your SWPPP pursuant to Part 5.1.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in Title 119, Chapter 10 Part 007.04C. The statement must be signed and certified in accordance with Appendix B, Subsection B.2. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly facility inspections. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 5.4.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the “no industrial materials or activities exposed to stormwater” standard to be eligible for this exception from routine inspections, consistent with the requirements established in Parts 8.G.8.4, 8.H.8.1, and 8.J.8.1.

4.2 Quarterly Visual Assessment of Stormwater Discharges.

4.2.1 Quarterly Visual Assessment Procedures.

Once each quarter for the entire permit term, you must collect a stormwater sample from each outfall (except as noted in Part 4.2.3) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with Title 119, Chapter 14 Part 001.02D (see 40 CFR Part 136) procedures but should be collected in such a manner that the samples are representative of the stormwater discharge.

The visual assessment must be made:

- Of a sample in a clean, clear glass, or plastic container, and examined in a well-lit area;
- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site; and

- For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour (3-day) storm interval does not apply if you document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

You must visually inspect the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity;
- Floating solids;
- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of stormwater pollution.

4.2.2 Quarterly Visual Assessment Documentation.

You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part 5.4. You are not required to submit your visual assessment findings to NDEQ, unless specifically requested to do so. At a minimum, your documentation of the visual assessment must include:

- Sample location(s)
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the stormwater discharge;
- Probable sources of any observed stormwater contamination,
- If applicable, why it was not possible to take samples within the first 30 minutes.

Any corrective action required as a result of a quarterly visual assessment must be performed consistent with Part 3 of this permit.

4.2.3 Exceptions to and Timing of Quarterly Visual Assessments.

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with your SWPPP records as described in Part 5.4. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions.

Semi-Arid Climates: If your facility is located in a semi-arid climate where limited rainfall occurs during parts of the year, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation runoff occurs.

Snowmelt: At least one quarterly visual assessment must capture snowmelt discharge, as described in Part 6.1.3.

Inactive and unstaffed sites: The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must maintain a statement in your SWPPP as required in Part 5.1.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive

requirements in Title 119, Chapter 10 Part 007.04C. The statement must be signed and certified in accordance with Appendix B, Subsection B.2. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly visual assessments. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 5.4.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the “no industrial materials or activities exposed to stormwater” standard to be eligible for this exception from quarterly visual assessment, consistent with the requirements established in Parts 8.G.8.4, 8.H.8.1, and 8.J.8.1.

Substantially identical outfalls: If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part 5.1.5.2, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit.

If stormwater contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

4.3 Comprehensive Site Inspections.

4.3.1 Comprehensive Site Inspection Procedures.

You must conduct annual comprehensive site inspections while you are covered under this permit. Annual, as defined in this Part, means once during each calendar year beginning with the period you are authorized to discharge under this permit:

You are waived from having to perform a comprehensive site inspection for an inspection period, as defined above, if you obtain authorization to discharge less than three months before the end of that calendar year.

Should your coverage be administratively continued after the expiration date of this permit, you must continue to perform these inspections annually until you are no longer covered.

Comprehensive site inspections must be conducted by qualified personnel with at least one member of your stormwater pollution prevention team participating in the comprehensive site inspections.

Your comprehensive site inspections must cover all areas of the facility affected by the requirements in this permit, including the areas identified in the SWPPP as potential pollutant sources (see Part 5.1.3) where industrial materials or activities are exposed to stormwater, any areas where control measures are used to comply with the effluent limits contained in a site specific NPDES Permit, and areas where spills and leaks have occurred in the past 3 years. The inspections must also include a review of monitoring data collected in accordance with Part 6.2. Inspectors must consider the results of the past year’s visual and analytical monitoring when planning and conducting inspections. Inspectors must examine the following:

- Industrial materials, residue, or trash that may have or could come into contact with stormwater;
- Leaks or spills from industrial equipment, drums, tanks, and other containers;

- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and
- Control measures needing replacement, maintenance, or repair.

Stormwater control measures required by this permit must be observed to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations must be inspected.

Your annual comprehensive site inspection may also be used as one of the routine inspections, as long as all components of both types of inspections are included.

4.3.2 Comprehensive Site Inspection Documentation.

You must document the findings of each comprehensive site inspection and maintain this documentation onsite with your SWPPP as required in Part 5.4. At a minimum, your documentation of the comprehensive site inspection must include:

- The date of the inspection;
- The name(s) and title(s) of the personnel making the inspection;
- Findings from the examination of areas of your facility identified in Part 4.3.1;
- All observations relating to the implementation of your control measures including:
 - previously unidentified discharges from the site,
 - previously unidentified pollutants in existing discharges,
 - evidence of, or the potential for, pollutants entering the drainage system;
 - evidence of pollutants discharging to receiving waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring, and
 - additional control measures needed to address any conditions requiring corrective action identified during the inspection.
- Any required revisions to the SWPPP resulting from the inspection;
- Any incidents of noncompliance observed or a certification stating the facility is in compliance with this permit (if there is no noncompliance); and
- A statement, signed and certified in accordance with Appendix B, Subsection B.2 of the permit.

Any corrective action required as a result of the comprehensive site inspection must be performed consistent with Part 3 of this permit.

5. Stormwater Pollution Prevention Plan (SWPPP).

You must prepare a SWPPP for your facility before submitting your Notice of Intent (NOI) for permit coverage. If you prepared a SWPPP for coverage under a previous NPDES permit, you must review and update the SWPPP to implement all provisions of this permit prior to submitting your NOI. The SWPPP does not contain effluent limitations; the narrative limitations are contained in Part 2 of the permit, and for some sectors, Part 8 of the permit. The SWPPP is intended to document the selection, design, and installation of control measures which will be used to meet the limitations. Separate from the SWPPP, the additional documentation requirements (see Part 5.4) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

5.1 Contents of Your SWPPP.

For coverage under this permit, your SWPPP must contain all of the following elements:

- Stormwater pollution prevention team (see Part 5.1.1);
- Site description (see Part 5.1.2);
- Summary of potential pollutant sources (see Part 5.1.3);
- Description of control measures (see Part 5.1.4);
- Schedules and procedures (see Part 5.1.5);
- Documentation to support eligibility considerations regarding other resources (see Part 5.1.6); and
- Signature requirements (see Part 5.1.7).

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS) developed for a National Environmental Performance Track facility or similar management system, copies of the relevant portions of those documents must be kept with your SWPPP.

5.1.1 Stormwater Pollution Prevention Team.

You must identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities. Your stormwater pollution prevention team is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as maintaining control measures and taking corrective actions where required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit and your SWPPP.

5.1.2 Site Description.

Your SWPPP must include the following:

- Activities at the Facility. Provide a description of the nature of the industrial activities at your facility.
- General location map. Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges.
- Site map. Provide a map showing:
 - the size of the property in acres;
 - the location and extent of significant structures and impervious surfaces;
 - directions of stormwater flow (use arrows);
 - locations of all existing structural control measures;
 - locations of all receiving waters in the immediate vicinity of your facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
 - locations of all stormwater conveyances including ditches, pipes, and swales;
 - locations of potential pollutant sources identified under Part 5.1.3.2;
 - locations where significant spills or leaks identified under Part 5.1.3.3 have occurred;
 - locations of all stormwater monitoring points;
 - locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., SW-Outfall No. 1, No. 2, etc), indicating if you are treating one or more outfalls as "substantially identical" under Parts 4.2.3, 5.1.5.2, and 6.1.1, and an approximate outline of the areas draining to each outfall;
 - combined sewers, or municipal separate storm sewer systems, where your stormwater discharges to them;
 - locations and descriptions of all non-stormwater discharges identified under Part 2.1.2.10;

- locations of the following activities where such activities are exposed to precipitation:
 - fueling stations;
 - vehicle and equipment maintenance and/or cleaning areas;
 - loading/unloading areas;
 - locations used for the treatment, storage, or disposal of wastes;
 - liquid storage tanks;
 - processing and storage areas;
 - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
 - transfer areas for substances in bulk; and
 - machinery; and
- locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

5.1.3 Summary of Potential Pollutant Sources.

You must document areas at your facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description must include:

5.1.3.1 Activities in the area. A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

5.1.3.2 Pollutants. A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the 3 years prior to the date you prepare or amend your SWPPP.

5.1.3.3 Spills and Leaks. You must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the 3 years prior to the date you prepare or amend your SWPPP.

Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

5.1.3.4 Non-Stormwater Discharges. You must document that you have evaluated for the presence of non-stormwater discharges and that all unauthorized discharges have been eliminated. Documentation of your evaluation must include:

- The date of any evaluation;
- A description of the evaluation criteria used;
- A list of the outfalls or onsite drainage points that were directly observed during the evaluation;

- The different types of non-stormwater discharge(s) and source locations; and
- The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge.

5.1.3.5 Salt Storage. You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

5.1.3.6 Sampling Data. You must summarize all stormwater discharge sampling data collected at your facility during the previous permit term.

5.1.4 Description of Control Measures.

5.1.4.1 Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits. You must document the location and type of control measures you have installed and implemented at your site to achieve the non-numeric effluent limits in Part 2.1.2, and where applicable in Part 8, the effluent limitations guidelines-based limits in Part 2.1.3, the water quality-based effluent limits in Part 2.2, and any agreed-upon endangered species related requirements in Parts 2.3, and describe how you addressed the control measure selection and design considerations in Part 2.1.1. This documentation must describe how the control measures at your site address both the pollutant sources identified in Part 5.1.3, and any stormwater run-on that commingles with any discharges covered under this permit.

5.1.5 Schedules and Procedures

5.1.5.1 Pertaining to Control Measures Used to Comply with the Effluent Limits in Part 2.

The following must be documented in your SWPPP:

- Good Housekeeping (See Part 2.1.2.2) – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;
- Maintenance (See Part 2.1.2.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;
- Spill Prevention and Response Procedures (See Part 2.1.2.4) – Procedures for preventing and responding to spills and leaks. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part 5.3; and
- Employee Training (Part 2.1.2.9) – A schedule for all types of necessary training.

5.1.5.2 Pertaining to Monitoring and Inspection. Prior to the beginning of any required monitoring period, you must document in your SWPPP your procedures for conducting the three types of analytical monitoring specified by this permit, where applicable to your facility, including:

- Benchmark monitoring (see Part 6.2.1);
- Impaired waters monitoring (see Part 6.2.2); and
- Other monitoring as required by NDEQ (see Part 6.2.3).

For each type of monitoring, your SWPPP must document:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at your facility, including schedule for alternate monitoring periods for climates with irregular stormwater runoff (see Part 6.1.6);
- Any numeric control values (benchmarks, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part 6.1.

If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, you must include in your SWPPP the information to support this claim as required by Part 6.2.1.3.

You must document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part 4.2 or your benchmark monitoring requirements in Part 6.2.1:

- Location of each of the substantially identical outfalls;
- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- Why the outfalls are expected to discharge substantially identical effluents.

You must document in your SWPPP your procedures for performing, as appropriate, the three types of inspections specified by this permit, including:

- Routine facility inspections (see Part 4.1);
- Quarterly visual assessment of stormwater discharges (see Part 4.2); and
- Comprehensive site inspections (see Part 4.3).

For each type of inspection performed, your SWPPP must identify:

- Person(s) or positions of person(s) responsible for inspection;
- Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater runoff discharges (see Part 4.2.3); and
- Specific items to be covered by the inspection, including schedules for specific outfalls.

If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts 4.1.3 and 4.2.3.

5.1.6 Documentation to Support Eligibility Considerations Under Other Federal Laws.

5.1.6.1 Documentation Regarding Endangered Species. You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.4.5 (Endangered and Threatened Species and Critical Habitat Protection).

5.1.6.2 Documentation Regarding Historic Properties. You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.4.6 (Historic Properties Preservation).

5.1.7 Signature Requirements.

You must sign and date your SWPPP in accordance with Appendix B, Subsection B.2, including the date of signature.

5.2 Required SWPPP Modifications.

You must modify your SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part 3.1 and to ensure that they do not reoccur, or to reflect changes implemented when a review following the triggering conditions in Part 3.2 indicates that changes to your control measures are necessary to meet the effluent limits in this permit. Changes to your SWPPP document must be made in accordance with the corrective action deadlines in Parts 3.3 and 3.4, and must be signed and dated in accordance with Appendix B, Subsection B.2.

5.3 SWPPP Availability.

You must retain a copy of the current SWPPP required by this permit at the facility, and it must be immediately available to EPA; NDEQ; and the operator of an MS4 receiving discharges from the site. NDEQ may provide access to portions of your SWPPP to a member of the public upon request, or to other Federal, State, or local agencies. Confidential Business Information (CBI) may be withheld from the public in accordance with the provisions of Title 115, Chapter 4. Unless specified elsewhere in this permit or in the request, you are required to furnish a copy of the SWPPP and any other information requested within seven (7) calendar days. Submissions shall be sent to the address provided in 7.4.1.

5.4 Additional Documentation Requirements.

You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

- A copy of the NOI submitted to NDEQ along with any correspondence exchanged between you and NDEQ specific to coverage under this permit;
- A copy of the acknowledgment letter you receive from the NDEQ (or electronic notification system should it become available during the term of this permit) notifying you of your permit authorization number;
- A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the State, through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part 2.1.2.4);
- Records of employee training, including date training received (see Part 2.1.2.9);
- Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 2.1.2.3);
- All inspection reports, including the Routine Facility Inspection Reports (see Part 4.1), the Quarterly Visual Assessment Reports (see Part 4.2), and the Comprehensive Site Inspection Reports (see Part 4.3);
- Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts 4.2:1, 6.1.4, and 6.2.1.2);
- Description of any corrective action taken at your site, including triggering event and dates when problems were discovered and modifications occurred;

- Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedance was due to natural background pollutant levels, or (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part 6.2.1.2;
- Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources (see Part 6.2.2.2); and
- Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 4.1.3), quarterly visual assessments (see Part 4.2.3), and/or benchmark monitoring (see Part 6.2.1.3).

6. Monitoring.

You must collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in Part 6 and Appendix B, Subsections B.2 – B.4, and any additional sector-specific requirements in Part 8. Refer to Part 7 for reporting and recordkeeping requirements.

6.1 Monitoring Procedures

6.1.1 Monitored Outfalls.

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a “substantially identical outfall.” If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). As required in Part 5.1.5.2, your SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations.

Areas of true sheet flow discharges are not required to be monitored as outfalls unless you are notified by the Department, though the discharge is regulated under this permit. It should be noted that what begins as “sheet flow” has a tendency to concentrate and form gullies, which would then be considered a discrete conveyance. (Monitored Outfall & Sheet Flow defined in Appendix A)

6.1.2 Commingled Discharges.

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable.

6.1.3 Measurable Storm Events.

All required monitoring must be performed on a storm event that results in an actual discharge from your site (“measurable storm event”) that follows the preceding measurable storm event by at least 72 hours (3 days). In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at your site.

For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, you must identify the date of the sampling event and indicate that the sampling event was for snowmelt.

6.1.4 Sample Type.

You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 6.1.3. and a minimum of one grab sample from snowmelt, a total of four samples. Samples must be collected within the first 30 minutes of a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

6.1.5 Adverse Weather Conditions.

When adverse weather conditions as described in Part 4.2.3 prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to retain a benchmark monitoring report in accordance with your sampling schedule. You must document any failure to monitor as specified in Part 7.1 indicating the basis for not sampling during the usual reporting period.

6.1.6 Irregular Stormwater Runoff.

If your facility is located in semi-arid climate where limited rainfall occurs during parts of the year or due to freezing conditions that prevent runoff from occurring for extended periods, required monitoring events may be distributed during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from your site. You must still collect the required number of samples.

6.1.7 Monitoring Periods.

Monitoring requirements in this permit begin in the first full quarter following either July 1, 2012 or your date of discharge authorization, whichever date comes later. If your monitoring is required on a quarterly basis (e.g., benchmark monitoring), you must monitor at least once in each of the following 3-month intervals:

- January 1 – March 31;
- April 1 – June 30;
- July 1 – September 30; and
- October 1 – December 31.

For example, if you obtain permit coverage on August 2, 2012, then your first monitoring quarter is October 1 - December 31, 2012. This monitoring schedule may be modified in accordance with Part 6.1.6 if the revised schedule is documented with your SWPPP.

6.1.8 Monitoring for Allowable Non-Stormwater Discharges

You are only required to monitor allowable non-stormwater discharges (as delineated in Part 1.1.3) when they are commingled with stormwater discharges associated with industrial activity.

6.1.9 Timing of Sample

All monitoring required in this permit should be conducted during the normal operating hours for the facility. When the collection of samples according to the relevant monitoring schedule is not possible due to the lack of a measurable storm event (as specified in Part 6.1.3) occurring during normal operating hours, you must take a substitute sample during the next qualifying storm event (which occurs during normal operating hours). Facilities which do not operate during rain events must consider normal operating hours to include such temporary shut downs due to rain events. (This may result in the collection of more than one sample during a quarter; the substitute sample and the scheduled sample must be collected from separate qualifying events.)

Facilities are not required to monitor outside of normal operating hours, but are not precluded from doing so at the discretion of the facility.

6.2 Required Monitoring.

This permit includes three types of required analytical monitoring, one or more of which may apply to your discharge:

- Quarterly benchmark monitoring (see Part 6.2.1)
- Impaired waters monitoring (see Part 6.2.2); and
- Other monitoring as required by NDEQ (see Part 6.2.3).

When more than one type of monitoring for the same parameter at the same outfall applies you may use a single sample to satisfy both monitoring requirements (i.e., one sample analysis satisfying both the impaired waters monitoring sample and one of the 4 quarterly benchmark monitoring samples).

All required monitoring must be conducted in accordance with the procedures described in Appendix B, Subsection B.3.3.

6.2.1 Benchmark Monitoring.

This permit stipulates pollutant benchmark concentrations that may be applicable to your discharge. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the effluent limitations in Part 2.

6.2.1.1 Applicability of Benchmark Monitoring. You must monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge. Your industry-specific benchmark concentrations are listed in the sector-specific sections of Part 8. If your facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, you are required to retain with your first benchmark report a hardness value, established consistent with the procedures in Appendix E, which is representative of your receiving water.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample.

6.2.1.2 Benchmark Monitoring Schedule. Benchmark monitoring must be conducted quarterly, as identified in Part 6.1.7, for your first 4 full quarters of permit coverage commencing no earlier than July 1, 2012. Facilities with irregular stormwater runoff, as described in Part 6.1.6, may modify this quarterly schedule provided that this revised schedule is documented when the first benchmark sample is collected, and that this revised schedule is kept with the facility's SWPPP as specified in Part 5.4.

Data not exceeding benchmarks: After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term. For averaging purposes, use a value of zero for any individual sample parameter, analyzed using procedures consistent with Part 6.2.1.1, which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

Data exceeding benchmarks: After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter exceeds the benchmark, you must, in accordance with Part

3.2, review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

- Make the necessary modifications and continue quarterly monitoring until you have completed 4 additional quarters of monitoring for which the average does not exceed the benchmark; or
- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Parts 2 of this permit, in which case you must continue monitoring once per year. You must also document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPPP. You must also notify NDEQ of this determination by submitting all benchmark monitoring reports along with the rationale for this determination. NDEQ may contact you regarding this determination and request additional information or deny the determination.

In accordance with Part 3.2, you must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full 4 quarters of monitoring data, if an exceedance of the 4 quarter average is mathematically certain. If after modifying your control measures and conducting 4 additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedance of the benchmark by the 4 quarter average is mathematically certain prior to conducting the full 4 additional quarters of monitoring), you must again review your control measures and take one of the two actions above.

Natural background pollutant levels: Following the first 4 quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than 4 quarters of data, see above), if the average concentration of a pollutant exceeds a benchmark value, and you determine that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, you are not required to perform corrective action or additional benchmark monitoring provided that:

- The average concentration of your benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;
- You document and maintain with your SWPPP, as required in Part 5.4, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge; and
- You notify NDEQ with your determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring.

6.2.1.3 *Exception for Inactive and Unstaffed Sites.* The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- Maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in Title 119, Chapter 10 Part 007.04C and sign and certify the statement in accordance with Appendix B, Subsection B.2; and
- If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part 6.2 as if you were in your first year of permit coverage. You must indicate in your first benchmark monitoring report that your facility has materials or activities exposed to stormwater or has become active and/or staffed.
- If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in Title 119, Chapter 10 Part 007.04C and sign and certify the statement in accordance with Appendix B, Subsection B.2. You may discontinue benchmark monitoring once you have prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

Note: This exception has different requirements for Sectors G, H, and J (see Part 8).

6.2.2 Discharges to Impaired Waters Monitoring.

6.2.2.1 Permittees Required to Monitor Discharges to Impaired Waters. If you discharge to an impaired water, you must monitor for all pollutants for which the waterbody is impaired and for which a standard analytical method exists in Title 119, Chapter 14 Part 001.02D (see 40 CFR Part 136).

No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or temperature.

6.2.2.2 Impaired Waters Monitoring Schedule.

Discharges to impaired waters without an EPA approved or established TMDL: Beginning in the first full quarter following July 1, 2012 or your date of discharge authorization, whichever date comes later, you must monitor once per year at each outfall (except substantially identical outfalls) discharging stormwater to impaired waters without an EPA approved or established TMDL. This monitoring requirement does not apply after one year if the pollutant for which the waterbody is impaired is not detected above natural background levels in your stormwater discharge, and you document, as required in Part 5.4 (Additional Documentation Requirements), that this pollutant is not expected to be present above natural background levels in your discharge.

If the pollutant for which the water is impaired is not present and not expected to be present in your discharge, or it is present but you have determined that its presence is caused solely by natural background sources, you are required to submit a notification to this effect to NDEQ, after which you may discontinue annual monitoring. To support a determination that the pollutant's presence is caused solely by natural background sources, you must keep the following documentation with your SWPPP records:

- An explanation of why you believe that the presence of the pollutant causing the impairment in your discharge is not related to the activities at your facility; and

- Data and/or studies that tie the presence of the pollutant causing the impairment in your discharge to natural background sources in the watershed.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring.

Discharges to impaired waters with an EPA approved or established TMDL: For stormwater discharges to waters for which there is an EPA approved or established TMDL, you are not required to monitor for the pollutant for which the TMDL was written unless NDEQ informs you, upon examination of the applicable TMDL and/or WLA, that you are subject to such a requirement consistent with the assumptions of the applicable TMDL and/or WLA. NDEQ's notice will include specifications on which pollutant to monitor and the required monitoring frequency during the first year of permit coverage. Following the first year of monitoring:

- If the TMDL pollutant is not detected in any of your first year samples, you may discontinue further sampling, unless the TMDL has specific instructions to the contrary, in which case you must follow those instructions. You must keep records of this finding onsite with your SWPPP.
- If you detect the presence of the pollutant causing the impairment in your stormwater discharge for any of the samples collected in your first year, you must continue monitoring annually throughout the term of this permit, unless the TMDL specifies more frequent monitoring, in which case you must follow the TMDL requirements.

6.2.3 Additional Monitoring Required by NDEQ.

NDEQ may notify you of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

7. Reporting and Recordkeeping

7.1 Reporting Monitoring Data to NDEQ.

All monitoring data collected pursuant to Parts 6.2 must be maintained with the SWPPP after you have received your complete laboratory results for all monitored outfalls for the reporting period. Upon request by NDEQ, paper reporting forms must be submitted within fourteen days to the appropriate address identified in Part 7.4.1. NDEQ strongly recommends that you use the ISW storm event monitoring report (ISW-SEMR) available as an attachment to this permit.

7.2 Additional Reporting.

In addition to the reporting requirements stipulated in Part 7, you are also subject to the standard permit reporting provisions of Appendix B, Subsection B.4.

Where applicable, you must submit the following reports to NDEQ at the address listed in Part 7.4.1. If you discharge through an MS4, you must also submit these reports to the MS4 operator (if required or requested by the MS4).

- 24-hour reporting (see Appendix B, Subsection B.4.8) - You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances;
- 5-day follow-up reporting to the 24 hour reporting (see Appendix B, Subsection B.4.8) - A written submission must also be provided within five days of the time you become aware of the circumstances;

- Reportable quantity spills (see Part 2.1.2.4) - You must provide notification, as required under Part 2.1.2.4, as soon as you have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity.

Where applicable, you must submit the following reports to NDEQ at the appropriate address in Part 7.4.1:

- Planned changes (see Appendix B, Subsection B.4.1) – You must give notice to NDEQ as soon as possible of any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- Anticipated noncompliance (see Appendix B, Subsection B.4.2) – You must give advance notice to NDEQ of any planned changes in the permitted facility or activity which you anticipate will result in noncompliance with permit requirements;
- Transfer of ownership and/or operation – You must submit a complete and accurate NOI in accordance with the requirements of Attachment 2 of this permit and by the deadlines specified in Table 1-2;
- Compliance schedules (see Appendix B, Subsection B.4.8) - Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;
- Other noncompliance (see Appendix B, Subsection B.4.10) - You must report all instances of noncompliance not reported in your monitoring report (pursuant to Part 7.1), compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and
- Other information (see Appendix B, Subsection B.4.11) – You must promptly submit facts or information if you become aware that you failed to submit relevant facts in your NOI, or that you submitted incorrect information in your NOI or in any report.

7.3 Recordkeeping.

You must retain copies of your SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.4 (including documentation related to corrective actions taken pursuant to Part 3), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least 3 years from the date that your coverage under this permit expires or is terminated.

7.4 Addresses for Reports

7.4.1 NDEQ Addresses

Paper copies of any reports required in Part 6 and 7 must be sent to the following address:

Via U.S. mail:

Nebraska Department of Environmental Quality
Water Quality Division, Industrial Storm Water
PO Box 98922
Lincoln, NE 68509-8922

7.4.2 Submissions to MS4s

If required or upon request, copies of all required submissions to NDEQ shall be concurrently submitted to the appropriate Combined Sewer (CS), or Municipal Separate Storm Sewer Systems (MS4s) operator. A list of permitted Municipal Separate Storm Sewer Systems (MS4s) is attached as Attachment 6. The contact information provided may not be the appropriate or most current contact information for required submissions. The MS4 operator should be contacted for the appropriate address.

Permittees located within a CS or MS4 shall contact the operator at the time of application to determine if submissions are required to the CS or MS4. The operator has discretion to determine if they would like to receive the concurrent submissions, and for which documents a concurrent submission is required. The CS or MS4 operator has discretion to modify their policies during the term of the permit by notifying affected permittees.

8. Sector-Specific Requirements for Industrial Activity

8.A. Sector A – Timber Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.A.1 Covered Stormwater Discharges.

The requirements in Subpart A apply to stormwater discharges associated with industrial activity from Timber Products facilities as identified by the SIC Codes specified under Sector A in Table D-1 of Appendix D of the permit.

8.A.2 Limitation on Coverage

8.A.2.1 Prohibition of Discharges. (See also Part 1.1.4) Not covered by this permit: stormwater discharges from areas where there may be contact with the chemical formulations sprayed to provide surface protection. These discharges must be covered by a separate NPDES permit. Discharges resulting from the spray down or intentional wetting of logs at wet deck storage areas. These discharges must be covered by a separate NPDES permit.

8.A.2.2 Authorized Non-Stormwater Discharges. See Part 1.1.3.

8.A.3 Additional Technology-Based Effluent Limits.

8.A.3.1 Good Housekeeping. (See also Part 2.1.2.2) In areas where storage, loading and unloading, and material handling occur, perform good housekeeping to limit the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.

8.A.4 Additional SWPPP Requirements.

8.A.4.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

8.A.4.2 Inventory of Exposed Materials. (See also Part 5.1.3.2) Where such information exists, if your facility has used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or preserving, document in your SWPPP the following: areas where contaminated soils, treatment equipment, and stored materials still remain and the management practices employed to minimize the contact of these materials with stormwater runoff.

8.A.4.3 Description of Stormwater Management Controls. (See also Part 5.1.4) Document measures implemented to address the following activities and sources: log, lumber, and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage, and repair areas. If your facility performs wood surface protection and preservation activities, address the specific control measures, including any BMPs, for these activities.